

FILED
8/31/22 9:49 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Scott T. Penzerro : Bankruptcy Case No. 22-10212-TPA
Angela M. Horner :
Debtor(s) : Chapter 13

PLAN CONFIRMATION ORDER

AND NOW, this **31st** day of **August, 2022**, it is hereby **ORDERED, ADJUDGED**, and **DECREED**, with the consent of all the Parties in attendance, as follows:

A The Chapter 13 Plan dated **June 24, 2022**, except as modified herein as numbered, below, is **CONFIRMED** in accord with *11 USC 1325*. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court. The current Plan payment is **\$1,040**.

1. Attorney's fees shall be paid upon the basis of a retainer having been paid in the amount of **\$220.00**. (B16)

2. The secured claim(s) of the following Creditor(s) shall govern as to the claim amount and are to be paid at the modified plan interest rate, in a monthly amount determined by the Trustee, as payment in full: ***Ally Bank Cl.#7 at 6.75%***. (B10)

3. The claim of ***Flagstar Bank (10)*** is to be paid per the Plan pending resolution of the loss mitigation process. (D47)

4. For the remainder of the Plan term, the periodic Plan payment is to be ***\$1,176.00*** as of ***September, 2022***. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order. (A2)

B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

1. **Objections to the Plan:** This Order is effective as of the date indicated below. Pursuant to *Fed.R.Bankr.P. 2002(b)*, any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may only disburse funds pursuant to this confirmation order upon expiration of the foregoing twenty-eight (28) day period.

2. **Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

3. **Review of Claims Docket and Objections to Claims.** Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

4. **Motions or Complaints Pursuant to §§506, 507, or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days
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after the claims bar date.

5. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

C IT IS FURTHER ORDERED THAT:

1. Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.

2. Following payment of allowed secured and priority claims the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

3. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

4. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

5. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

6. Debtor(s) shall file an Amended Schedule I and/or J in the event of:

(a) Household income increases by 10% or more over most the recently filed Schedule I, because of new employment, promotion, or otherwise.

(b) A reduction in payroll withholding (including any Domestic Support Obligation and retirement loan(s) repayments), or a 10% or more reduction of any line item expense on Schedule J.

(c) Any indicated increase in disposable income as a result of an increase in income or decrease in payroll withholding or Schedule J expense (and the fund created for the benefit of general Unsecured Creditors) is retroactive to the date of the payoff of the obligation, decrease in expense, or increase in household income.

7. Debtor(s) shall provide Trustee annual tax returns and statements of income and expenses, in accordance with Section 521(f) and (g), and shall file an amended plan reflecting any increase in disposable income retroactive to date of increase.


8. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

9. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

10. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

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11. Any prior Confirmation Order entered in this matter is *VACATED*.



Thomas P. Agresti
United States Bankruptcy Judge nms

cc: All Parties in interest to be served by Clerk immediately

In re:
Scott T. Penzerro
Angela M. Horner
Debtors

Case No. 22-10212-TPA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: auto

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Date Rcvd: Aug 31, 2022

Form ID: pdf900

Total Noticed: 32

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 02, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Scott T. Penzerro, Angela M. Horner, 1014 Arlington Drive, Greenville, PA 16125-8885
15480762	+ AES, Attn: Bankruptcy, Po Box 64378, St. Paul, MN 55164-0378
15492636	+ EMP of Mercer County LTD, 740 E State Street, Sharon, PA 16146-3328
15480772	+ Fnb Cons Disc Co, 41-A Hadley Road Po Box 152, Greenville, PA 16125-0152
15497587	+ Mollie, LLC dba Uown Leasing, 10500 University Center Dr. Suite 140, Tampa, FL 33612-6415
15492638	+ Primary Health Network, 220 N Buhl Farm Drive #A, Hermitage, PA 16148-1786
15492639	+ Uown Leasing, 10500 University Center Dr 140, Tampa, FL 33612-6415

TOTAL: 7

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: rmscedi@recoverycorp.com	Aug 31 2022 23:57:37	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15480763	+ Email/Text: backoffice@affirm.com	Aug 31 2022 23:51:00	Affirm, Inc., Attn: Bankruptcy, 30 Isabella St, Floor 4, Pittsburgh, PA 15212-5862
15490232	+ Email/PDF: acg.acg.ebn@aisinfo.com	Aug 31 2022 23:46:58	Ally Bank c/o AIS Portfolio Services, LP, 4515 N. Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
15480764	+ Email/Text: ally@ebn.phinsolutions.com	Aug 31 2022 23:50:00	Ally Financial, Attn: Bankruptcy, Po Box 380901, Bloomington, MN 55438-0901
15490030	+ Email/Text: BKRMailOps@weltman.com	Aug 31 2022 23:51:00	Byrider Finance, LLC DBA CNAC, c/o Weltman, Weinberg & Reis Co LPA, 965 Keynote Circle, Cleveland, OH 44131-1829
15480765	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Aug 31 2022 23:46:21	Capital One, Attn: Bankruptcy, P.O. Box 30285, Salt Lake City, UT 84130-0285
15484636	Email/PDF: AIS.cocard.ebn@aisinfo.com	Aug 31 2022 23:46:21	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15480766	+ Email/Text: bankruptcy@jdbyrider.com	Aug 31 2022 23:51:00	Car Now Acceptance C, Attn: Bankruptcy, 12802 Hamilton Crossing Blvd, Carmel, IN 46032-5424
15480767	^ MEBN	Aug 31 2022 23:45:04	Cbe Group, Attn: Bankruptcy, Po Box 900, Waterloo, IA 50704-0900
15480768	^ MEBN	Aug 31 2022 23:44:59	Chimef/str, Attn: Bankruptcy, Po Box 417, San Francisco, CA 94104-0417
15480769	+ Email/Text: bdsupport@creditmanagementcompany.com	Aug 31 2022 23:51:00	Credit Management Company, Attn: Bankruptcy, 2121 Noblestown Road, Pittsburgh, PA 15205-3956

District/off: 0315-1

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15495986	Email/Text: cashiering-administrationservices@flagstar.com	Aug 31 2022 23:51:00	Flagstar Bank FSB, 5151 Corporate Drive, Troy, MI 48098
15480770	+ Email/Text: bnc-bluestem@quantum3group.com	Aug 31 2022 23:51:00	Fingerhut, Attn: Bankruptcy, 6250 Ridgewood Road, Saint Cloud, MN 56303-0820
15480771	+ Email/Text: cashiering-administrationservices@flagstar.com	Aug 31 2022 23:51:00	Flagstar Bank, Attn: Bankruptcy, 5151 Corporate Drive, Troy, MI 48098-2639
15480773	+ Email/Text: bankruptcy@marinerfinance.com	Aug 31 2022 23:50:00	Mariner Finance, Attn: Bankruptcy, 8211 Town Center Drive, Nottingham, MD 21236-5904
15499104	+ Email/Text: bankruptcy@marinerfinance.com	Aug 31 2022 23:50:00	Mariner Finance, LLC, 8211 Town Center Drive, Nottingham, MD 21236-5904
15484646	+ Email/Text: bankruptcydpt@mcmcg.com	Aug 31 2022 23:51:00	Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037
15497971	+ Email/Text: ecfbankruptcy@progleasing.com	Aug 31 2022 23:51:00	NPRTO North-East, LLC, 256 West Data Drive, Draper, UT 84020-2315
15495134	Email/Text: perituspendrick@perituservices.com	Aug 31 2022 23:50:00	Pendrick Capital Partners, LLC, Peritus Portfolio Services II, LLC, PO BOX 141419, IRVING, TX 75014-1419
15480774	Email/Text: info@phoenixfinancialsvcs.com	Aug 31 2022 23:50:00	Phoenix Financial Services, LLC, Attn: Bankruptcy, Po Box 361450, Indianapolis, IN 46236
15481374	+ Email/PDF: gecsed@recoverycorp.com	Aug 31 2022 23:46:59	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15480775	+ Email/PDF: gecsed@recoverycorp.com	Aug 31 2022 23:57:25	Synchrony Bank/Select Comfort, Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060
15486456	^ MEBN	Aug 31 2022 23:45:18	UPMC HEALTH SERVICES, PO BOX 1123, MINNEAPOLIS, MN 55440-1123
15486455	^ MEBN	Aug 31 2022 23:45:14	UPMC PHYSICIAN SERVICES, PO BOX 1123, MINNEAPOLIS, MN 55440-1123
15505071	Email/Text: EDBKNotices@ecmc.org	Aug 31 2022 23:50:00	US Department of Education, PO Box 16448, St. Paul, MN 55116-0448

TOTAL: 25

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Byrider Finance, LLC dba CNAC
cr		FLAGSTAR BANK, FSB
cr	*+	Ally Bank, c/o AIS Portfolio Services, LP, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
15492635	*+	Credit Management Company, Attn: Bankruptcy, 2121 Noblestown Road, Pittsburgh, PA 15205-3956
15492637	*P++	PHOENIX FINANCIAL SERVICES LLC, PO BOX 361450, INDIANAPOLIS IN 46236-1450, address filed with court:, Phoenix Financial Services, LLC, Attn: Bankruptcy, Po Box 361450, Indianapolis, IN 46236

TOTAL: 2 Undeliverable, 3 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the

District/off: 0315-1

User: auto

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complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 02, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 31, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor FLAGSTAR BANK FSB bnicholas@kmlawgroup.com
Daniel P. Foster	on behalf of Joint Debtor Angela M. Horner dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Daniel P. Foster	on behalf of Debtor Scott T. Penzerro dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Garry Alan Masterson	on behalf of Creditor Byrider Finance LLC dba CNAC pitecf@weltman.com
Maribeth Thomas	on behalf of Creditor Ally Bank c/o AIS Portfolio Services, LP mthomas@tuckerlaw.com, maribeth.thomas@gmail.com,hgulliver@tuckerlaw.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

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